

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARVIN WADDLETON, III,

Plaintiff,

VS.

NORRIS JACKSON, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-267

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO DENY PLAINTIFF'S  
MOTION TO PROCEED *IN FORMA PAUPERIS***

On August 11, 2010, United States Magistrate Judge Brian L. Owsley signed a memorandum and recommendation recommending that plaintiff be found not indigent and his application to proceed *in forma pauperis*, (D.E. 2), be denied. The memorandum and recommendation recommended further that plaintiff be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation, or voluntarily dismiss the action; and further, that plaintiff be advised that failure to pay the filing fee within the time period proscribed may result in dismissal of his action for failure to prosecute. The memorandum and recommendation further recommended that plaintiff's motion to waive the court filing fee, (D.E. 3), be denied. On August 27, 2010, plaintiff filed objections to the Magistrate's recommendations.


Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and plaintiff's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C);

Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, the Court finds that plaintiff is not indigent and his application to proceed *in forma pauperis*, (D.E. 2), is denied. Further, plaintiff's motion to waive the court filing fee is denied. The plaintiff is instructed to pay the filing fee within twenty (20) days of the date of entry of this order adopting the memorandum and recommendation, or voluntarily dismiss the action. Plaintiff is advised that failure to pay the filing fee within the time period proscribed may result in dismissal of his action for failure to prosecute.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 3rd day of September, 2010.

  
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Janis Graham Jack  
United States District Judge